

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

2:24-CV-089-Z

BUREAU OF ALCOHOL, TOBACCO,
FIREARMS AND EXPLOSIVES, *et al.*,

Defendants.

ORDER

Before the Court is Defendants' Notice (ECF No. 148), serving to inform the Court of a press release issued on April 7, 2025, by the Department of Justice ("DOJ") and the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). This press release announced that the DOJ and ATF plan to conduct a "comprehensive and in-depth review over the coming months of the rule under review in this case to revise the guidelines for determining who is considered engaged in the business of selling firearms." See ECF No. 184; Press Release, ATF, DOJ, *ATF Repeal FFL Inspection Policy and Begin Review of Two Final Rules*, <https://www.atf.gov/news/press-releases/doj-atf-repeal-ffl-inspection-policy-and-begin-review-two-final-rules> (Apr. 7, 2025) (internal marks omitted).

This Notice comes after this Court denied Defendants' Motion for Stay on February 26, 2025. ECF No. 132. As Plaintiffs' Response correctly discusses, this Court does not believe that DOJ and ATF's planned review of the rule at issue presents any substantial or imminent threat to the instant litigation. See ECF Nos. 132, 149. But following this Court's denial, the Fifth Circuit granted Defendants-Appellants' unopposed motion to place their interlocutory appeal in abeyance until June 23, 2025. *State of Texas, et. al., v. Bureau of Alcohol, Tobacco,*

Firearms and Explosives, et al., No. 24-10612 (5th Cir. March 3, 2025), ECF No. 126-2 (granting Defendants' motion on the basis of the pending review of the challenged rule).

To best align the instant case with the status of Defendants-Appellants' interlocutory appeal, the Court **ABEYS** this case until **June 23, 2025**, at which point the abeyance shall automatically dissolve. Defendants-Appellants are permitted to file status reports.

SO ORDERED.

April 25, 2025

A handwritten signature in black ink, appearing to read 'MAT J KACSMARYK', written over a horizontal line.

MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE